

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 279

Introduced by Stuhr, 24

Read first time January 11, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 19-3051,
2 32-941, 32-943, 32-946, 32-950, 32-954, and 32-1029,
3 Reissue Revised Statutes of Nebraska; to change
4 provisions relating to absentee ballots, registration
5 forms, and mail-in ballots; to harmonize provisions; and
6 to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-3051, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 19-3051. The municipal clerk shall prepare and have
4 printed, at the cost of the municipality, all ballots, forms, and
5 supplies that may be necessary to be used to enable absent electors
6 to so cast their ballots and shall adapt as nearly as possible all
7 forms therefor that were prepared by the Secretary of State for the
8 preceding state election. The ballots furnished to such electors
9 shall be prepared and printed as other official ballots and shall
10 be made available not less than fifteen days prior to the election.
11 Voters who meet one or more of the requirements specified in
12 section 32-938 may vote an absentee ballot as provided by the
13 Election Act, except that the ballots will not be available until
14 fifteen days prior to the election. All absentee ballots which
15 have been returned shall be counted on election day as provided in
16 the Election Act, and the canvass board shall count all absentee
17 ballots returned not later than the ~~second~~ first day after the
18 election.

19 Sec. 2. Section 32-941, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-941. Any registered voter permitted to vote absentee
22 pursuant to section 32-938 may, not more than one hundred twenty
23 days before any election and not later than 4 p.m. on the Friday
24 preceding the election, request an absentee ballot for the election
25 to be mailed to a specific address. A registered voter shall
26 request an absentee ballot in writing to the election commissioner
27 or county clerk in the county where the registered voter has
28 established his or her home and shall indicate his or her address,

1 political party, telephone number if available, and precinct if
2 known. The registered voter may use the form published by the
3 election commissioner or county clerk pursuant to section 32-808.
4 The registered voter or his or her agent shall sign the request. A
5 registered voter may use a facsimile machine for the submission of
6 a request for an absentee ballot. The election commissioner or
7 county clerk shall include registration forms with the ballots if
8 the person is not registered. Registration forms shall not be
9 issued or mailed after the second Friday preceding the election.
10 If the person is not registered to vote, the registration forms
11 shall be returned not later than the closing of the polls on the
12 day of the election, or if the registered voter chooses to return
13 the registration forms by mail, the registration forms shall be
14 received by the election office no later than 10 a.m. on the ~~second~~
15 first day following the election. No ballot issued under this
16 section shall be counted unless such registration forms are
17 properly completed and processed.

18 Sec. 3. Section 32-943, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-943. Any registered voter who is permitted to vote
21 absentee pursuant to section 32-938 may request an absentee ballot
22 by appointing an agent to personally pick up an absentee ballot for
23 such registered voter from the office of the election commissioner
24 or county clerk. A registered voter shall request an absentee
25 ballot in writing to the election commissioner or county clerk in
26 the county where the registered voter has established his or her
27 home and shall indicate his or her address, telephone number if
28 available, and precinct if known. The registered voter may use the

1 form published by the election commissioner or county clerk
2 pursuant to section 32-808. The registered voter or his or her
3 agent shall sign the request. A candidate for office at such
4 election and any person serving on a campaign committee for such a
5 candidate shall not act as an agent for any registered voter
6 requesting a ballot pursuant to this section unless such person is
7 a member of the registered voter's family. No person shall act as
8 agent for more than two registered voters in any election. The
9 agent shall pick up the ballot before 7 p.m. on election day and
10 deliver the ballot to the registered voter. The ballot shall be
11 returned not later than the closing of the polls on the day of the
12 election, or if the registered voter chooses to return the ballot
13 by mail, the ballot shall be received by the election office no
14 later than 10 a.m. on the ~~second~~ first day following the election.
15 The election commissioner or county clerk shall adopt procedures
16 for the distribution of absentee ballots under this section.

17 Sec. 4. Section 32-946, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-946. When a registered voter applying for an absentee
20 ballot has no residence address within the county, the election
21 commissioner or county clerk shall mail to the registered voter at
22 the address designated by the voter the requested ballot materials,
23 including a set of registration forms, no later than the voter
24 registration deadline and shall enclose with the material the
25 following oath which the voter must swear to before his or her
26 ballot will be counted:

27 I,, do hereby swear that prior to my current
28 absence from County, Nebraska, I resided within the State of

1 Nebraska, that during such residency it was my intention to make my
2 permanent residence in such county, that during my current absence
3 from such county I have not voted in an election in any other
4 jurisdiction as a resident of such other jurisdiction, that I do
5 not intend to make my present residence my permanent residence,
6 that my current absence from such county is temporary and for a
7 definite period of time, and that at the termination of that period
8 I intend to return to County, Nebraska, and make it my
9 permanent residence.

10 The election commissioner or county clerk shall make a
11 good faith effort to maintain the secrecy of the ballot upon
12 receiving the materials. If the registered voter fails to complete
13 the oath and return it to the election commissioner or county clerk
14 by 10 a.m. on the ~~second~~ first day following the election, his or
15 her ballot shall not be counted. The residence address of the
16 registered voter shall be deemed to be the office of the election
17 commissioner or county clerk of the county of such voter's prior
18 residence for purposes of the Election Act.

19 Sec. 5. Section 32-950, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 32-950. Absentee ballots which are returned not later
22 than the hour established for the closing of the polls shall be
23 accepted for approval by the absentee ballots counting board.
24 Absentee ballots which are returned by mail shall be accepted for
25 approval by the absentee ballots counting board if they are in the
26 physical possession of the election commissioner or county clerk
27 not later than 10 a.m. on the ~~second~~ first day following election
28 day. The election commissioner or county clerk shall keep the

1 return envelopes received from registered voters after the closing
2 of the polls unopened in a fireproof safe or other suitable
3 location which is locked until delivered to the absentee ballots
4 counting board.

5 Sec. 6. Section 32-954, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-954. Upon receipt of the official ballot, the
8 registered voter shall mark it, seal the ballot in the secrecy
9 envelope, sign the return identification envelope supplied with the
10 ballot, and comply with the instructions provided with the ballot.
11 The voter may return the ballot to the election commissioner or
12 county clerk by mailing it or by personally delivering it to the
13 office of the election commissioner or county clerk. The deadline
14 for receipt of the ballot is 5 p.m. on the date set for the
15 election if the ballot is personally delivered or 10 a.m. on the
16 ~~second~~ first day after the date set for the election if the ballot
17 is mailed. Ballots which are returned by mail shall be accepted
18 for approval by the counting board if they are in the physical
19 possession of the election commissioner or county clerk not later
20 than 10 a.m. on the ~~second~~ first day after the date set for the
21 election. The official ballot must be returned in the return
22 identification envelope. The registered voter shall, by signing
23 the envelope, certify to the facts contained on the envelope. The
24 election commissioner or county clerk shall keep the return
25 identification envelopes received from registered voters unopened
26 in a fireproof safe or other suitable location which is locked
27 until delivered to the counting board.

28 Sec. 7. Section 32-1029, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-1029. Prior to 1 p.m. on election day, the election
3 commissioner or county clerk shall post in a conspicuous place in
4 his or her office a notice stating the day and hour when the county
5 canvassing board will sit as an absentee ballots counting board.
6 At any time not earlier than 10 a.m. and not later than 1 p.m. on
7 the second day after any election as posted by the election
8 commissioner or county clerk, the county canvassing board shall
9 begin to sit as an absentee ballots counting board to count the
10 remaining absentee ballots received in the office of the election
11 commissioner or county clerk not later than 10 a.m. on the ~~second~~
12 first day after the election. The ballots shall be counted in the
13 same manner as provided in sections 32-1001 to 32-1026. The
14 election commissioner or county clerk shall release the returns
15 upon the completion of counting the absentee ballots.

16 Sec. 8. Original sections 19-3051, 32-941, 32-943,
17 32-946, 32-950, 32-954, and 32-1029, Reissue Revised Statutes of
18 Nebraska, are repealed.